

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEPHANIE G. BRENOT,

Plaintiff,

v.

AMERICAN MEDICAL SYSTEMS, INC.,

Defendant.

CASE NO. 3:21-cv-05764-TL

ORDER DIRECTING ENTRY OF
PARTIES' STIPULATED PROTECTIVE
ORDER

This matter is before the Court on the Parties' joint response to this Court's order on entry of the parties' proposed stipulated protective order. Dkt. No. 21. In its order, the Court directed the parties to either "file a separate stipulation for the entry of a protective order that complies with LCR 26. . . . [or] provide an explanation as to why they should not be subject to any missing provisions from the [Model Stipulated Protective Order for the Western District of Washington] (e.g., Paragraph 5.1, Exercise of Restraint and Care in Designating Material for Protection)." Dkt. No. 20. In their response, the Parties' explain that the proposed protective order was entered in the related multidistrict litigation ("MDL") in which counsel for both parties participated, that the protective order was negotiated for the express purpose of dealing with the

1 large volume of documents produced during the MDL that they anticipate being relevant in this
2 case, and that the same protective order has been entered in cases that have been filed in several
3 other federal courts subsequent to the closure of the MDL. Dkt. No. 21. Although the parties fail
4 to address the Court's specific direction to explain why they should not be subject to any
5 provisions missing from the model protective order (and that do not conflict with any of the
6 terms of the proposed protective order), the Court will not disturb the agreement of the parties in
7 this instance and will enter the proposed protective order as submitted.

8 However, the Court notes that rules and practices vary between different jurisdictions,
9 even within the federal court system. That other courts have adopted the proposed protective
10 order does not remove this Court's duty to independently review any request placed before it and
11 ensure its adequacy and compliance with the rules of and practices of this district. *See* LCR
12 26(c)(2). For example, the model protective order fleshes out expectations with regard to the
13 filing of confidential materials consistent with this district's Local Civil Rules, such as Section
14 4.3 Filing Confidential Material, Section 5.1 Exercise of Restraint and Care in Designating
15 Material for Protection, and Section 6.2 Meet and Confer,¹ which are not addressed in the
16 Parties' proposed protective order. The Court cautions that should materials covered by the
17 proposed protective order be filed, the parties shall keep in mind "there is a strong presumption
18 of public access to the court's files" and comply with all the requirements of LCR 5(g).

19 The Court hereby ORDERS the protective order submitted at Dkt. No. 21-1 shall be
20 entered as an order of this Court binding on all parties to this litigation.

21 IT IS SO ORDERED.

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24 ¹ See the Model Stipulated Protective Order for the Western District of Washington available at
<https://www.wawd.uscourts.gov/sites/wawd/files/ModelStipulatedProtectiveOrder.pdf>.

Dated this 14th day of February 2022.

A handwritten signature in black ink, appearing to read 'Tana Lin', is written over a solid black horizontal line.

Tana Lin
United States District Judge